761551N25A - SH-AD-32A (2/72)

COUNTY OF LOS ANGELES

SHERIFF'S DEPARTMENT

A Tradition of Service

DATE: August 31, 2010

OFFICE CORRESPONDENCE FILE NO. SH2255261

FROM: ERIC B. SMITH, COMMANDER
LEADERSHIP AND TRAINING DIVISION

TO: KARYN MANNIS, CAPTAIN
INTERNAL AFFAIRS BUREAU

SUBJECT: **EXECUTIVE FORCE REVIEW COMMITTEE DISPOSITION:**
DEPUTY JIMMY YEE #[redacted]
DEPUTY JAVIER MURILLO #[redacted]
EAST LOS ANGELES STATION

While patrolling, Deputy Yee saw a dairy delivery truck matching the description of a vehicle stolen less than an hour prior. Deputy Yee ran the truck's license plates and followed the truck from Washington Boulevard onto the northbound on-ramp of the 710 freeway. The return on the plate was clear of wants and warrants. When the truck suddenly stopped on the on-ramp, Deputy Yee stopped behind it and again ran the license plate for verification.

While waiting for the return, the truck accelerated in reverse toward Deputy Yee's patrol car. Deputy Yee was not able to fully exit his patrol car when the truck rammed it, throwing Deputy Yee onto the ground. As Deputy Yee stood up, he saw the truck reversing toward him again. Deputy Yee fired 6 rounds at the truck's cab. The truck stopped and then accelerated onto the northbound 710 freeway.

Deputy Yee broadcast the incident over the dispatch frequency. An Aero Bureau unit coordinated assisting ground units to the truck.

Approximately five assisting units pursued the truck, during which it collided with a civilian motorist. The truck came to a sudden stop on the off-ramp of the 60 freeway at 3rd Street/Downey Avenue.

Several assisting units, including Deputy Murillo, conducted a felony traffic stop. When Deputy Murillo exited his vehicle, the truck accelerated in reverse toward him and his patrol car. Deputy Murillo fired 16 rounds at the truck driver as he rammed the patrol car.

The truck continued to flee, pursued by Sheriff's personnel and California Highway Patrol officers. The truck eventually collided with a steel tubular barrier at San Pedro Street as it traversed the Metrolink train tracks. California Highway Patrol officers pursued the truck's driver, Suspect Herrera, on foot from the collision and took him into custody.

Suspect Herrera suffered minor injuries and was transported to USC Medical center for treatment and an OK to book. Deputy Yee injured his hands, elbows, and knees when he was thrown to the ground.

On August 26, 2010 the Executive Force Review Committee convened and conducted a review regarding the facts of this case. The applicable policies that were evaluated by the committee were: MPP §§ 3-01/025.00, Use of Force; 3-01/025.30, Use of Firearms and Deadly Force; 3-01/025.10, Unreasonable Force; and 3-01/050.10, Performance to Standards.

Concerning:

MPP § 3-01/025.00, Use of Force, MPP § 3-01/025.30, Use of Firearms and Deadly Force, and MPP § 3-01/025.10, Unreasonable Force, the Committee determined that the force used by Deputies Jimmy Yee and Javier Murillo was reasonable and necessary and in compliance with Department policy.

MPP § 3-01/050.10, Performance to Standards, the Committee determined that the tactics employed by all personnel in this incident were within Department Policy.

Eric B. Smith

Eric B. Smith, Commander

EBS:RSP/rsp

SH2255621

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Miscellaneous Documents

Administrative Rights Form
Report Receipt from Green and Shinee.
ELA station AM and PM In-service dated 11/21/09
Copy of Tag-130